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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-11788-2022

Date of Decision: 27.05.2022

Mukesh Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Gopera, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that husband of the petitioner, who has now unfortunately died, was dismissed from the services on 14.11.2006 on the ground of absence from service for a period of 72 days, though by the said date, he had rendered about nineteen years of service with the respondent-Department. Learned counsel for the petitioner submits that in somewhat similar circumstances, the Hon'ble Supreme Court of India, while deciding **Civil Appeal No.8064-2015**, titled as “***Rajinder Kumar Vs. State of Haryana and another***”, held that the punishment of dismissal from service on the ground of absence for a short period of time is disproportionate to the charges alleged. Learned counsel further submits that keeping in view the aforesaid judgment, the respondents are under an obligation to grant the benefit of pension to the petitioner in respect of the services rendered by her late husband.

Learned counsel for the petitioner submits that the same grievance has also been raised by the petitioner before the respondents by

serving upon them a legal notice dated 06.03.2022 (Annexure P-7), which is still pending consideration with the authorities concerned and the petitioner will be satisfied at this stage, in case a time bound direction is given to respondent No.2 to decide the said legal notice dated 06.03.2022, by passing an appropriate speaking order.

Notice of motion.

On the asking of the Court, Mr. Raman Kumar Sharma, Additional A.G., Haryana, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 06.03.2022 (Annexure P-7) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into merits of the claim as raised by the petitioner in the present case as well as in the legal notice dated 06.03.2022 (Annexure P-7), this petition is disposed of with a direction to the respondent No.2 to pass an appropriate speaking order on the legal notice dated 06.03.2022 (Annexure P-7), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order.

27.05.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No